UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,557	03/01/2002	Hawley K. Rising III	080398.P515	5435

8791 7590 02/08/2007	EXAMINER
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030	HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/090,557	RISING, HAWLEY K.
	Examiner	Art Unit	
	Farzana E. Hossain	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 March 2002</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 March 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)   Paper No(s)/Mail Date <u>4-16-04</u>.

4) ☐ Interview Summary (PTO-413)   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claim(s) 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 11 and 18 are drawn to functional descriptive material recorded on a computer readable medium. Normally, the claim would be statutory. However, the specification, at page 16, paragraph 0016 defines the claimed computer readable medium as encompassing statutory media such as any storage device that is accessible by the processor as well as ***non-statutory*** subject mater such as a "carrier wave".

A "signal" embodying functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes of § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Because the full scope of the claim as properly read in light of the disclosure encompasses non-statutory subject matter, the claim as a whole is non-statutory. The examiner suggests amending the claim to *include* the disclosed tangible computer readable media, while at the same time *excluding* the intangible media such as signals

and carrier waves. Any amendment to the claim should be commensurate with its

corresponding disclosure.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Sezan et al (US 2005/0091685 and hereafter referred to as "Sezan").

Regarding Claims 1 and 11, Sezan discloses a computerized method and a

processor to perform a method (Page 3, paragraph 0042, Page 5, paragraph 0051)

comprising: receiving a content description for multimedia content, the content

description comprising an occurrence description scheme describing an occurrence of a

semantic entity in the content; and extracting the occurrence description scheme from

the content description (Page 3, paragraph 0042, Page 4, paragraph 0049, Page 5,

paragraph 0050, Page 19, paragraph 0203). Sezan discloses that an intelligent

agent/software agent processes and performs the functions using data from the data

storage device (Page 3, paragraph 0042, Page 5, paragraphs 0051, 0053). It is

necessarily included that a computer readable medium or a data storage device having

executable instructions causes a processor or agent to perform necessary functions.

Regarding Claims 2 and 12, Sezan discloses all the limitations of Claims 1 and

11 respectively. Sezan discloses the content description further comprises a full

semantic description scheme for the semantic entry (Page 2, paragraph 0042).

Regarding Claims 3 and 13, Sezan discloses all the limitations of Claims 1 and

11 respectively. Sezan discloses providing the occurrence description scheme to an

application that evaluates the multimedia content (Page 3, paragraph 0042, Figure 2,

42, 52, Page 5, paragraph 0053).

Regarding Claims 4 and 14, Sezan discloses all the limitations of Claims 3 and

13 respectively. Sezan discloses wherein the application is selected from the group

consisting of searching, filtering, and browsing applications (Page 5, paragraph 0053).

Regarding Claims 5 and 15, Sezan discloses all the limitations of Claims 1 and

11 respectively. Sezan discloses wherein the content description complies with the

MPEG-7 standard and the occurrence description scheme is represented by a

MediaOccurrence description scheme (Page 11, paragraph 0016, Character Profile,

Page 12, paragraphs 0017-0019, Object Profile).

Regarding Claims 6 and 16, Sezan discloses all the limitations of Claims 1 and

11 respectively. Sezan discloses creating the content description from the occurrence

description scheme (Page 3, paragraph 0042).

Regarding Claims 7 and 17, Sezan discloses all the limitations of Claims 6 and

16 respectively. Sezan discloses distributing the content description through a

communications media (Figure 2, Page 5, paragraph 0060).

5.   Claims 8, 10, 18, 20, 26, 28 are rejected under 35 U.S.C. 102(b) as being

anticipated by Cobbley et al (US 5,614,940 and hereafter referred to as "Cobbley").

Regarding Claims 8, 18 and 26, Cobbley discloses a computerized method

(Column 5, lines 51-67, Column 3, lines 1-13), a computer readable medium having

executable instructs to case a computer to perform a method (Column 2, lines 50-65,

Column 3, lines 1-13, Figure 5, Column 5, lines 51-67, Column 6, lines 16, Column 14,

lines 18-35), and a system (Figure 5, Column 14, lines 14-21) comprising: a processor

coupled to a bus (Figure 5, 501, 500); a memory coupled to the processor through the

bus (Figure 5, 505, 504); and an encode process executed by the processor from the

memory to cause the processor to create a content description for multimedia content

(Column 2, lines 50-65, Column 3, lines 1-13), the content description comprising an

occurrence description scheme describing an occurrence of a semantic entity in the

multimedia content.

Regarding Claims 10, 20 and 28, Cobbley discloses all the limitations of 8, 18

and 26 respectively. Sezan discloses a communications interface coupled to the

processor through the bus and further coupled to a communications medium (Figure 5,

512, Column 14, lines 50-55), and the encode process further causes the processor to

distribute the content description through the communications interface (Figure 5, 500,

501-503, Column 14, lines 15-45, 50-55, Figure 1, 135).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 9, 19, 21-25, 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Cobbley in view of Sezan.

Regarding Claims 9, 19 and 27 Cobbley discloses all the limitations of Claims 8,

18 and 26 respectively. Cobbley is silent on the content description complies with the

MPEG-7 standard and the occurrence description is represented by a MediaOccurrence

description scheme. Sezan discloses wherein the content description complies with the

MPEG-7 standard and the occurrence description scheme is represented by a

MediaOccurrence description scheme (Page 11, paragraph 0016, Character Profile,

Page 12, paragraphs 0017-0019, Object Profile).   Therefore, it would have been

obvious at the time the invention to one of ordinary skill in the art to modify Cobbley to

include content description complies with the MPEG-7 standard and the occurrence

description scheme is represented by a MediaOccurrence description scheme (Page

11, paragraph 0016, Character Profile, Page 12, paragraphs 0017-0019, Object Profile)

as taught by Sezan in order to provide a user with a description of audio visual

information for better browsing, filter, searching, archiving and personalization (Page 1,

paragraphs 001, 0006) and to be able to search, filter and browse using a standardized

method (Page 19, paragraph 0203).

Regarding Claim 21, Cobbley discloses a computerized method, a computer

readable medium having executable instruction to cause a processor to perform a

method, and a system comprising: a processor coupled to a bus (Figure 5, 500, 501); a

memory coupled to the processor through the bus (Figure 5, 505, 504); a

communications interface coupled to the processor through the bus (Figure 5, 512), and

further coupled to a communications medium (Figure 5, 512, Figure 1, 135); and a

process executed by the processor from the memory to cause the processor to receive,

through the communications interface, a content description for multimedia content the

content description comprising an occurrence description scheme describing an

occurrence of a semantic entity in the content (Column 11, lines 6-34, Figure 1, Figure

3). Cobbley is silent on a limited decode process executed by the processor from the

memory to cause the processor to receive a content description for multimedia content,

the content description comprising an occurrence description scheme describing an

occurrence of a semantic entity in the content, and to extract the occurrence description

scheme from the content description. Sezan discloses a limited decode process

executed by the processor from the memory to cause the processor to receive, through

the communications interface, a content description for multimedia content, the content

description comprising an occurrence description scheme describing an occurrence of a

semantic entity in the content, and to extract the occurrence description scheme from

the content description (Page 3, paragraph 0042, Page 4, paragraph 0049, Page 5,

paragraph 0050, Page 19, paragraph 0203). Therefore, it would have been obvious at

the time the invention to one of ordinary skill in the art to modify Cobbley to include

limited decode process executed by the processor from the memory to cause the

processor to receive a content description for multimedia content, the content

description comprising an occurrence description scheme describing an occurrence of a

semantic entity in the content, and to extract the occurrence description scheme from

the content description (Page 3, paragraph 0042, Page 4, paragraph 0049, Page 5,

paragraph 0050, Page 19, paragraph 0203) as taught by Sezan in order to provide a

user with a description of audio visual information for better browsing, filter, searching,

archiving and personalization (Page 1, paragraphs 001, 0006) and to be able to search,

filter and browse using a standardized method (Page 19, paragraph 0203).

Regarding Claim 22, Cobbley and Sezan disclose all the limitations of Claim 21.

Sezan discloses providing the process of providing occurrence description scheme to

an application that evaluates the multimedia content (Page 3, paragraph 0042, Figure 2,

42, 52, Page 5, paragraph 0053).

Regarding Claim 23, Cobbley and Sezan disclose all the limitations of Claim 22.

Sezan discloses wherein the application is selected from the group consisting of

searching, filtering, and browsing applications (Page 5, paragraph 0053).

Regarding Claim 24, Cobbley and Sezan disclose all the limitations of Claim 21. Sezan discloses wherein the content description complies with the MPEG-7 standard and the occurrence description scheme is represented by a MediaOccurrence description scheme (Page 11, paragraph 0016, Character Profile, Page 12, paragraphs 0017-0019, Object Profile).

Regarding Claim 25, Cobbley and Sezan disclose all the limitations of Claim 21. Cobbley discloses a processor executing instructions from the memory to cause the processor to receiving through the communications interface, the content description for multimedia content, the content description further comprising a full semantic description scheme for the semantic entry (Column 11, lines 6-34, Figure 1, Figure 3, Figure 5). Sezan discloses a decode process executed by the processor, through the communications interface, the content description for multimedia content, the content description further comprising a full semantic description scheme for the semantic entry, and to extract the full semantic description scheme from the content description (Page 3, paragraph 0042, Page 4, paragraph 0049, Page 5, paragraph 0050, Page 19, paragraph 0203).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-

272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to

4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
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